

13 SEP 2004



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Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

In re Application of	:	
Klockseth et al.	:	DECISION
Application No. 09/367666	:	
PCT No.: PCT/AU98/00099	:	ON
Int. Filing Date: 18 February 1998	:	
Priority Date: 18 February 1997	:	PETITION
For: Pressure Compensating Valve	:	

This is a decision on the renewed petition under 37 CFR § 1.47(a) and the petition under 37 CFR 1.137(b) filed on 24 December 2003.

DISCUSSION

Review of the record reveals that a decision on petition was mailed to counsel on 21 September 2001. That decision set a two-month period for response, extendable under 37 CFR 1.136(a). This application became abandoned for failure to timely reply to that decision on petition. The submission filed on 24 December 2003 included a petition under 37 CFR 1.137(b).

Petition Under 37 CFR 1.137(b)

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply (in the form of the renewed petition under 37 CFR 1.47(a)) accompanied the petition.

Regarding requirement (2), the petition fee accompanied the petition.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

As all of the requirements of 37 CFR 1.137(b) have been satisfied, the petition to revive is **GRANTED**, and it would now be appropriate to treat the merits of the renewed petition under 37 CFR 1.47(a).

Renewed Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Petitioner has satisfied requirements (1) and (4) previously.

With respect to requirement (2), the decision mailed on 21 September 2001 indicated that the evidence of record at that time established that Mr. Jervmo could not be found or reached after diligent effort within the meaning of 37 CFR 1.47. With respect to Mr. Klockseth, the decision mailed on 21 September 2001 noted the letter from Peter Leonard to Chris O'Sullivan, stating that a copy of a declaration was forwarded to non-signing inventor Mr. Klockseth on 27 November 2000, and that he orally refused to sign the document on 11 December 2000. However, that decision indicated that petitioner had not established that this refusal occurred after a complete copy of the application was transmitted to Mr. Klockseth, as required by 37 CFR 1.47.

The "Statement" signed by Melinda Butterworth and accompanying the instant petition indicates that a parcel sent to his last known address was returned, marked "Left Address." The Statement also details attempts undertaken to ascertain the whereabouts of Mr. Klockseth, including a search of the "White Pages in each State of Australia," a search of "the Swedish White Pages," and the mailing of a registered letter to Mr. Klockseth's last known business address, all of which attempts are described as fruitless. On the basis of the evidence now of record, it would be appropriate to conclude that Mr. Klockseth could not be found or reached after diligent effort.

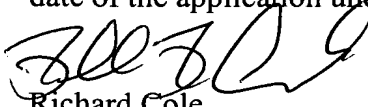
With respect to requirement (3), the renewed petition clearly indicates Mr. Klockseth's last known address to be the address at 20 Corella Street, Harbord, NSW, Australia.

DECISION

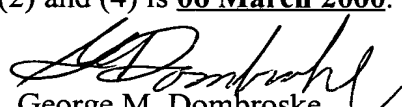
For the reasons explained *supra*, the petition is **GRANTED**.

The \$130.00 surcharge under 37 CFR 1.492(e) is being charged to counsel's Deposit Account No. 20-1430, as authorized by the petition filed on 06 March 2000.

This application is being forwarded to the National Stage Processing Branch. The date of the application under 35 U.S.C. 371 (c)(1), (2) and (4) is **06 March 2000**.



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In re Application of
Klockseth et al.
Application No. 09/367,666
PCT No.: PCT/AU98/00099
Int. Filing Date: 18 February 1998
Priority Date: 18 February 1997
For: Pressure Compensating Valve

Dear Mr. Jervmo:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6721 or (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

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In re Application of
Klockseth et al.
Application No. 09/367,666
PCT No.: PCT/AU98/00099
Int. Filing Date: 18 February 1998
Priority Date: 18 February 1997
For: Pressure Compensating Valve

Dear Mr. Klockseth:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventors whose signatures are missing (Oliver Klockseth and Bengt Jervmo) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/AU98/00099 and was filed on February 18, 1998 in the names of Oliver Klockseth, Bengt Jervmo, and Claes Berndtsson for the invention entitled PRESSURE COMPENSATING VALVE. The national stage application number is 09/367,666 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of March 6, 2000.